

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ROBERT SASSE,

Plaintiff,

v.

**ILLINOIS CENTRAL RAILROAD
COMPANY, d/b/a CN/IC, a corporation,**

Defendant.

Case No. 06-cv-121-DRH

ORDER

HERNDON, District Judge:

Before the Court is Plaintiff's Motion for Additional Time to Respond to Defendant's Motion for Summary Judgment (Doc. 28). In his Motion, Plaintiff alleges that "issues raised by this Defendant require additional discovery to resolve" and therefore requests "an additional sixty (60) days within which to conduct discovery with respect to issues raised in Defendant's Motion for Summary Judgment" (*Id.*, ¶¶ 9-10). Ultimately, Plaintiff seeks an additional sixty (60) days to file his Response to Defendant's Motion for Summary Judgment.

Defendant has filed its Response to Plaintiff's Motion for Additional Time (Doc. 29). In its Response, Defendant points out that Plaintiff's Motion requesting additional time was filed on the last day allowed for responding to the Motion for Summary Judgment (*Id.*, ¶ 3). Moreover, Defendant asserts that Plaintiff "has filed no discover against the defendant, and has taken no other action in

response to the Motion for Summary Judgment” (*Id.*). However, Defendant states that “in the spirit of cooperation,” it is willing to agree to an additional *thirty* (30) days to allow Plaintiff to respond to its summary judgment motion (*Id.*, ¶ 4).

Considering the parties’ respective arguments, Plaintiff’s Motion for Additional Time (Doc. 28) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff shall be granted an additional thirty (30) days (July 6, 2006) to file his Response to Defendant’s Motion for Summary Judgment. If further extensions become necessary, the parties shall first confer to attempt to resolve any differences, if possible. If the parties are unable to resolve issues regarding filing extensions, the matter of extending the deadline is referred to the magistrate judge for resolution and the parties shall notify Magistrate Judge Wilkerson and request the matter be scheduled for a telephonic hearing to rule on the disputed extension of time or a hearing in person at the discretion of the magistrate judge.

IT IS SO ORDERED.

Signed this 6th day of June, 2006.

/s/ _____ David RHerndon
United States District Judge